

**Notice of Allowability**

Application No.	Applicant(s)	
10/628,233	WEIGEL, MATTHEW J.	
Examiner	Art Unit	
John P Fitzgerald	2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to \_\_\_\_\_.
2.  The allowed claim(s) is/are 1-40.
3.  The drawings filed on 29 July 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_.
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 1-40 are allowed over the prior art of record.
2. The following is an examiner's statement of reasons for allowance: As to claim 1, the primary reasons for allowance is the inclusion of the limitations of a device for evaluating a fluid inducer having an inducer valve operable to open in response to a load, the device comprising a fluid conduit for providing a pressurized fluid and for pressurizing the inducer; sensors for measuring both the pressure in the fluid conduit and the load applied to an actuator on the fluid inducer that determines the load in response to the sensed pressure. As to claim 7, the primary reasons for allowance is the inclusion of the limitations of an apparatus for evaluating a fluid inducer, the fluid inducer having an inducer valve to open in response to a load, the apparatus comprising a pressurizing means for pressurizing the fluid inducer with a fluid; means for determining a fluid integrity (i.e. leak-tightness) of the fluid inducer in response to sensing the pressure of the pressurized fluid; and means for determining a load response of the fluid inducer in response to a load being exerted upon the fluid inducer. As to claim 24, the primary reasons for allowance is the inclusion of the limitations of the method steps of evaluating a fluid inducer having a fluid inducer valve operable to open in response to a load, the method comprising the steps of pressurizing the fluid inducer with a fluid, determining the fluid integrity (i.e. if a leak is present) of the fluid inducer in response to sensing the pressure of the fluid; and determining a load response of the fluid inducer in response to a load being exerted upon the fluid inducer. These limitations were not reasonably found in the prior art of record, the closest references only

describing the fluid inducers themselves with pressure sensors, without evaluation of the fluid integrity or load responses.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hinds teaches a typical fluid inducer structure; Balke et al. teach the fluid integrity testing of valves ; Hoffmann et al., Patten and Hayes all teach the testing of a valve having a pressure sensor; Imano teaches the testing of a valve in combination with a load sensor; and Hassenflug teaches a fluid leak detection system and shut-off valve.

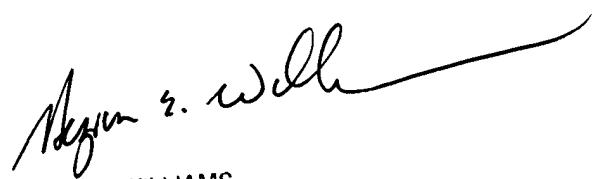
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Fitzgerald whose telephone number is (571) 272-2843. The examiner can normally be reached on Monday-Friday from 7:00 AM to 3:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams, can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR

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only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JF  
07/26/2004



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